

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA

GUY I. GREENE,

Case No. 17-CV-3551-SRN-KMM

Plaintiff,

v.

REPORT AND
RECOMMENDATION

KELLY LAKE, Carlton County Sheriff;
CARLTON COUNTY JAIL; PAUL
COUGHLIN, BRIAN BELICH,
DAVE KAMUNEN; JASON
WILMES; CAMMI WERNER;
TRAVIS WARNYGORA; JOHN
DOES, an unknown number; and JANE
DOES, an unknown number, sued in
their individual and official capacities,

Defendants.

Plaintiff Guy I. Greene alleges that his constitutional rights were violated during a recent term of incarceration at Carlton County Jail. *See* 42 U.S.C. § 1983. By separate order, this Court will grant Mr. Greene's application to proceed *in forma pauperis* ("IFP") and direct that service be effected as to the majority of the defendants named in the complaint.

Under 28 U.S.C. § 1915A, however, this Court is authorized to review complaints in which a prisoner seeks redress from a governmental entity, and the Court may dismiss any portion of the complaint that fails to state a claim upon which relief

may be granted.¹ Among the defendants named in the complaint is the Carlton County Jail. But county jails — as opposed to the individuals employed by those institutions — are not persons amenable to suit under § 1983. *See De La Garza v. Kandiyohi Cnty. Jail, Correctional Institution*, 18 Fed. App'x 436, 437 (8th Cir. 2001) (per curiam). Accordingly, Mr. Greene cannot maintain his claims against the Carlton County Jail itself, and it will be recommended that the jail be dismissed from this action.

RECOMMENDATION

Based on the foregoing, and on all of the files, records, and proceedings herein, IT IS HEREBY RECOMMENDED THAT defendant Carlton County Jail be SUMMARILY DISMISSED pursuant to 28 U.S.C. § 1915A.

Date: September 15, 2017

s/Katherine Menendez

Katherine Menendez

United States Magistrate Judge

NOTICE

Filing Objections: This Report and Recommendation is not an order or judgment of the District Court and is therefore not appealable directly to the Eighth Circuit Court of Appeals.

¹As noted in this Court's prior order, Greene was accused of violations of the criminal law at the time this action was commenced and therefore was a "prisoner" within the meaning of § 1915A(c).

Under Local Rule 72.2(b)(1), “a party may file and serve specific written objections to a magistrate judge’s proposed finding and recommendations within 14 days after being served a copy” of the Report and Recommendation. A party may respond to those objections within 14 days after being served a copy of the objections. LR 72.2(b)(2). All objections and responses must comply with the word or line limits set forth in LR 72.2(c).